

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE FILING FOR</b>	)	<b>ORDER APPROVING FIFTH</b>
<b>APPROVAL OF A FIFTH AMENDMENT TO AN</b>	)	<b>AMENDMENT TO</b>
<b>INTERCONNECTION AGREEMENT BETWEEN</b>	)	<b>AGREEMENT</b>
<b>QWEST CORPORATION AND MCLEODUSA</b>	)	
<b>TELECOMMUNICATIONS SERVICES, INC.</b>	)	<b>TC01-009</b>
	)	

On January 26, 2001, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) a fifth amendment to an interconnection agreement between McLeodUSA Telecommunications Services, Inc. (McLeod) and Qwest. The fifth amendment amends Attachment 3, Section 2 of the agreement, Unbundled Network Elements, to add the terms, conditions and rates for xDSL-I Loop (IDSL).

On February 1, 2001, the Commission electronically transmitted notice of the filing of the fifth amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until February 15, 2001, to do so. No comments were filed.

At its duly noticed March 6, 2001, meeting, the Commission considered whether to approve the negotiated fifth amendment to the agreement between Qwest and McLeod. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that the fifth amendment does not discriminate against a telecommunications carrier that is not a party to the fifth amendment and the fifth amendment is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the fifth amendment to the agreement. It is therefore

**ORDERED**, that the Commission approves the negotiated fifth amendment to the agreement as described herein.

Dated at Pierre, South Dakota, this 9th day of March, 2001.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION:**

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner